

98. The parties then agreed to request a CMC to set a framework for resolution of the remaining cases. Owing to listing difficulties, the CMC did not take place until 17 September 2009. At that hearing, Senior Master Whitaker was informed that, following the guidance of the Court of Appeal in their 2003 judgment in this litigation, RSA would be making an application for the trial of limitation as a preliminary issue. Senior Master Whitaker gave the following directions:
- Service of the issued claim form encompassing the remaining non-lead claimants was to take place by 21 January 2010.
 - At the same time, five selected claimants should also serve brief Particulars of Claim, medical report, schedules of loss and witness statements.
 - RSA was to serve medical evidence in the five lead claims upon which it intended to rely by 21 April 2010.
 - Skeleton arguments and witness statements in support of the application for a preliminary issue trial (together with a case summary, bundle of documents and any other applications) were to be filed and served by 12 noon on 10 May 2010;
 - At a hearing on 12 May 2010, the court would hear the application for limitation to be tried as a preliminary issue and then give further directions consequent upon its decision.
99. Unfortunately, owing to circumstances beyond the parties' control, the intended hearing in May 2010 could not go ahead and was adjourned for 6 months until 11 November 2010. On that date Senior Master Whitaker dismissed the application for limitation to be heard as a preliminary issue. He then gave directions for the progress of the five selected lead cases which were intended to deal with the full range of issues.
100. Having dealt with disclosure, but before reaching the point at which witness statements were due to be exchanged, the parties held a round-table meeting on 5 August 2011 which resulted in settlement of the lead claims and, thereafter, through further constructive negotiation, other claims. Ultimately, all remaining claims were resolved without the need for further trials.